



Cont.P.No.1974 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :	24.01.2023
PRONOUNCED ON :	21.02.2023

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

CONT.P.No.1974 of 2017
in W.P.No.16641 of 2007

D.Ravikumar

... Petitioner

VS.

1) Dr.B.Chandramohan, I.A.S.,
Principal Secretary to Government,
Revenue Department,
Fort St.George, Chennai – 9

2) Dr.K.Satyagopal, I.A.S.,
Commissioner of Revenue Administration,
Chepauk, Chennai – 5

... Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for their willful and intentional disobedience to the order of this Court in W.P.No.16641/2007 dated 07.04.2014.

For Petitioner : Mr.K.Venkatramani, Senior Counsel
For M/s.M.Muthappan

For Respondents : Mr.R.Neelakandan, Additional
Advocate General,
Assisted by Mr.S.Ravichandran,
Additional Government Pleader.



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ORDER

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When the matter was taken up for hearing, it was submitted by the learned counsel for the petitioner that the orders of this Court has been complied with. The only grievance of the petitioner is that the petitioner was not given promotion which was due, if he had been allowed to continue in service.

2. The learned counsel for the petitioner relied on the order passed by this Court in W.P.No.29442 of 2012 dated 14.03.2018. In the said case, the petitioner's name was not included in the panel for promotion due to the pendency of the criminal case against him. However, after the acquittal of the petitioner from the criminal case, the respondents rejected the claim of the petitioner for promotion. When the said rejection was under challenge, this Court held that the claim of the petitioner is covered by the proposition of law of the Hon'ble Supreme Court in the case of *Union of India & others vs. Jaipal Singh* reported in (2004) 1 SCC 121 and quashed the impugned order and also directed the respondent to sanction promotion and salary for the said period of his non-promotion.

3. Per contra, Mr.R.Neelakandan, learned Additional Advocate General,



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assisted by Mr.S.Ravichandran, learned Additional Government Pleader

submitted that the petitioner was re-instated in service as Junior Assistant with effect from 03.07.1998 and he was permitted to retire, notionally from service on 31.05.2016 in the cadre of Junior Assistant. In continuation of the petitioner's re-instatement with continuity of service, the subsequent increments due to him were sanctioned, besides his pay was re-fixed as per the Tamil Nadu Revised Scales of Pay Rules, 2009. He further submitted that though the petitioner had not discharged duty from 03.07.1998, i.e. from the date of his removal from service and upto 31.05.2016, the date of superannuation, the petitioner was given all benefits as directed by this Court.

4. Subsequently, the petitioner filed the contempt petition before this Court and this Court, while hearing the case on 24.10.2018, had observed that the order of this Court has been complied with and found that the attendant benefits ordered by this Court that included the consideration of the petitioner's case for promotion has not been complied with by the respondents. Pertaining to the same, the learned Additional Advocate General submitted that as per Annexure IV read with Ruling 30 (b) of Tamil Nadu Ministerial Service Rules, for promotion as Assistant in the Commissionerate of Revenue Administration



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and Disaster Management, a candidate should have passed the Revenue Test, Parts I, II and III. Here in the present case on hand, the petitioner has not passed the Revenue Test Part – I first paper and therefore, the petitioner is not qualified for promotion as Assistant. As the petitioner has not possessed the requisite qualifications, he has not been considered for notional promotion by the respondents and hence, prayed for closing the present contempt petition.

5. The proposition of law and the decision relied on by the learned counsel for the petitioner, is not applicable to the present facts of the case on hand. In the present case, the petitioner has not passed the Revenue Test Part – I first paper and hence, he is not qualified for promotion. Therefore, it is to be construed that the orders of this Court, dated 07.04.2014, has been fully complied with. In view of the same, the prayer sought for in the contempt petition does not arise for adjudication. Accordingly, the Contempt petition stands dismissed.

21.02.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
sts



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To:

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- 1) Dr.B.Chandramohan, I.A.S.,
Principal Secretary to Government,
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Fort St.George, Chennai – 9
- 2) Dr.K.Satyagopal, I.A.S.,
Commissioner of Revenue Administration,
Chepauk, Chennai – 5



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J. NISHA BANU, J.,

sts

Order made in
CONT.P.No.1974 of 2017

Dated:
21.02.2023